

# National Canners Association

WASHINGTON, D. C.

Information  
Letter



For N. C. A.  
Members

Membership Letter No. 14.

May 12, 1923.

## How One Compromise Leads to Many Claims for Damages.

In a recent investigation of a case of alleged illness from canned foods, for which claim for a considerable amount has been made, the investigator secured the following interesting statement from the attending physician:

"Some time later Mr.----- met me and said: 'Doctor, do you think that the canned----- made my children sick? I am going to get some money out of the canning company. I understand that the ----- Company had to pay \$400.00 in a similar case.'"

This is called to the attention of our members in order to emphasize complications that arise where settlements of these unjust claims for illness alleged to be due to canned foods, are made.

Some years ago a member of the industry settled several cases of this kind in Boston by a payment of claims for damages rather than take the matter to court, and since that time there has been an exceedingly large number of similar cases brought in that city.

## New York City Health Department Temporarily Modifies Recent Ruling Pertaining to Swells.

Ole Salthe, Director, Bureau of Food and Drugs, Department of Health, New York City, has granted extension of time to July 15th for the final ruling pertaining to swells to become effective.

Under this modified ruling wholesalers may begin at once to destroy swells found in the possession of their customers or they may continue to take them back until July 1st.

The jobber's salesman must be instructed to remove the label from the swelled can when and where found, destroy the contents, stamp and initial the label and leave it with the customer. The customer is to return the label to the wholesaler. The label is the customer's voucher for destroyed canned goods on which he gets allowance from the wholesaler.

Inspectors are instructed not to destroy rusty, soiled, or shop-worn cans or springers.



United States District Judge Disagrees with the United States  
Court of Appeals, Which Decreed That an Entire Parcel of  
Canned Foods Should Be Destroyed, When a Portion  
Contained Decomposed Food.

In an opinion of Judge J. O. Hutcheson, Jr., of the District Court of the United States for the Southern District of Texas, in cases D L 419 and D L 531, United States of America vs. 200 cases more or less of Canned Salmon, he disagrees with the opinion filed by the Court of Appeals in the Anderson case.

In the above mentioned cases, the Government sought to destroy the salmon in question on testimony of its witnesses that 18% of the salmon was unfit for human consumption. The judge held that this would not be grounds for the destruction of the entire block of goods unless it were established that the bad cans were representative of the lot.

In these particular cases the Government's witnesses testified that 82% of the cans examined were good and the Court held that the goods, although misbranded (which was one of the Government's allegations), might be released under bond to the owner, not merely for rebranding, but only on the condition that the goods be reexamined and reclassified, the good being separated from the bad.

Forthcoming N.C.A. Directors' Meeting May Last Several Days.

On account of the importance of matters which will come up for consideration and action at the forthcoming meeting of the N.C.A. Board of Directors, Advisory Board, and vice presidents, to be held at the Washington office May 23, it is possible that it may be necessary to extend the sessions to the two following days, Thursday, May 24, and Friday, May 25. Thus ample time would be given to the discussion of each subject.

Already a tentative program has been made up, but suggestions for additional subjects will be appreciated. However, it is requested that these suggestions be sent to the Secretary's office at the earliest possible time, so that they may be included in the regular program, which is to be mimeographed in advance for the convenience of the members.

Conference Committee at St. Louis to Discuss Swells.

In connection with the Annual Convention of the National Wholesale Grocers' Association, at St. Louis, there will be a meeting of the Conference Committees of the National Cannery Association and the National Wholesale Grocers' Association, at 2 o'clock, May 17th, at the Hotel Statler.

No action was taken at Atlantic City regarding the return of swells. The whole subject was unanimously referred to the next meeting of the Conference Committees, which, as above stated, will be held next week in St. Louis. This is



an important question, and it is hoped that there will be a representative attendance.

In view of the importance of this meeting, presidents of State Cannery associations have also been invited.

American Wholesale Grocers Invite Cannerymen to Convention.

A cordial invitation has been extended to the members of the National Cannery Association to attend the Annual Convention of the American Wholesale Grocers' Association. The meetings will be held at the Hotel Willard, Washington, D.C., from Tuesday, May 22, to Friday, May 25. J.H. McLaurin, of Jacksonville, Fla., will preside, and a large attendance is anticipated.

Bureau of Chemistry Ruling on the Labeling of "Improved Golden Bantam" Corn.

The Association is in receipt of a communication from the Bureau of Chemistry, supplementing the information contained in Item 368 of the Bureau's Service and Regulatory Announcements, which is its latest ruling on the subject of labeling "Improved Golden Bantam" Corn.

The Bureau is of the opinion that the word "Improved", used as a part of a varietal name, very frequently refers to productiveness, disease resistance, size, or some other commercial characteristic of the plant. Whether this word, when used on a canned food product in connection with the varietal name, would be regarded as of the same significance as when used in seed catalogues, for instance, or whether it would convey the impression that there is an improvement in those characteristics by which excellence is judged, is a question on which the Bureau at the present time is not prepared to give a general answer. Under the circumstances each case involving the question will have to be decided on its individual merits.

When evidence can be obtained in any case that the canned product is not superior in excellence as a food to the ordinary product, and that the use of the word "Improved" conveys the impression that it is, obviously the article will be regarded as misbranded under the Food and Drugs Act.

Experiments Started on Pea Aphid Control.

The Bureau of Raw Products Research of the National Cannery Association has been advised that plans have been practically completed by the Federal Bureau of Entomology for an intensive study of pea aphid during the present season. Following the conference on aphid in Chicago last fall, the entomologists of the Federal Bureau and from the pea canning states have been making arrangements for cooperative work. Mr. J. E. Dudley, Jr., is leader of the project for the United



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States Bureau of Entomology. He is stationed in Wisconsin with headquarters at Madison.

The work this year will include a comprehensive study on control measures, including thorough tests of several dusts and sprays. Methods of application and costs will be given special consideration along with a careful study of the efficiency of the various materials in killing the aphids.

Canners are urged to cooperate in furthering this important work by filling out questionnaires which are being distributed by Mr. Dudley. It will be of material assistance also if canners will report by wire to the National Canners Association any serious outbreak of aphids which may develop on the peas.

Information has just been received from California regarding the progress of the aphid control investigations carried on in that state by the United States Bureau of Entomology this spring. While those in charge do not feel that the work has proceeded far enough to justify general recommendations to the industry, the results secured in control of aphids through the use of nicotine dusts are most encouraging.

#### Thermometers and Pressure Gauges.

The investigations conducted in several medical schools on funds provided by the National Canners Association have shown the time necessary at various temperatures to destroy the most resistant strains of *B. botulinus*. The Research Laboratory is interpreting this data into terms of the canning industry and has determined the process necessary with several vegetables to safeguard against botulism. Similar data regarding other vegetables will be available in time for the coming canning season.

In order to take advantage of this work, it is essential that canners keep retort thermometers and pressure gauges properly adjusted. Before the opening of the canning season, all thermometers and pressure gauges should be looked over and checked against each other. Any instruments that require repair or adjustment should receive attention at once. The importance of this step is obvious when we remember that an error of one degree in temperature makes a difference with some products of from five to ten minutes in the time of process necessary for sterilization.

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